Attorney Docket No.:16303-007010US

Unassigned

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FOR FILING PATENT APPLICATION UNDER 37 CFR 1.47(a): APPLICATION BY

ASSIGNEE WHEN A JOINT INVENTOR REFUSES TO SIGN OR CANNOT BE

MCDOUGALL IN SUPPORT OF PETITION

**DECLARATION OF JEANETTE** 

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

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Art Unit:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Assistant Commissioner for Patents

Washington, D.C. 20231

Tao Chen et al.

Application No.: 09/674,191

Filed: October 26, 2000

For: POLYANIONIC POLYMERS WHICH ENHANCE FUSOGENICITY

Attn: Box Missing Parts

**Assistant Commissioner for Patents** 

Washington, D.C. 20231

Sir:

I, Jeanette McDougall, declare as follows:

- 1. I am an employee for the assignee of the subject application, Inex Pharmaceuticals Corporation ("INEX").
- 2. On or around January 15, 2001, I received from Joseph R. Snyder, an attorney with the law firm of Townsend and Townsend and Crew LLP and one of the attorneys of record in the subject application, an inventor declaration which was to be executed by all eight identified inventors of the subject application.
- 3. It is my understanding that Dr. Jung Soo Kim was a "post-doc" at the University of Massachusetts, working for one of the joint inventors in the present application, Dr. David Tirrell.
- 4. On or around May 8, 2001, I telephoned Zhao Wang, Tom Madden, and David Fenske, all joint inventors of the present application, asking if they knew the current

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whereabouts of David Tirrell and Jung Soo Kim. Zhao Wang, who is a Research Scientist II at INEX, did not know the whereabouts of either David Tirrell or Jung Soo Kim. Tom Madden, Director Product Development for INEX, did not know the whereabouts of either David Tirrell or Jung Soo Kim. David Fenske, a Scientist at the Cullis lab at the University of British Columbia, did not know the whereabouts of either David Tirrell or Jung Soo Kim.

- 5. On or around May 8, 2001, I telephoned Pieter Cullis, a joint inventor of the present application, and left a voicemail message asking if he knew the current whereabouts of David Tirrell and Jung Soo Kim.
- 6. On May 22, 2001, I sent a follow-up e-mail to Pieter Cullis regarding the whereabouts of Dr. David Tirrell and Dr. Jung Soo Kim. A copy of the e-mail is attached as Exhibit 1A.
- 7. On May 23, 2001, I received an e-mail from Pieter Cullis indicating that David Tirrell was now at UCLA and that Jung Soo Kim had returned to Korea, but he did not know where. A copy of the e-mail is attached as Exhibit 1B.
- 8. I was unable to find David Tirrell at UCLA. However, as the address for David Tirrell listed on the Declaration and Power of Attorney showed Massachusetts, I found his name associated with the University of Massachusetts as the Barrett Professor in the Polymer Science & Engineering Department. However, Dr. Pieter Cullis advised that David Tirrell had moved.
- 9. I called James D. Capistran, Director, Centre for UMASS Industry Research on Polymers, and James Capistran advised that David Tirrell had actually moved to the California Institute of Technology, Pasadena. I found David Tirrell working with the California Institute of Technology in Pasadena. I e-mailed David Tirrell and asked him the current whereabouts of Jung Soo Kim. David Tirrell e-mailed me back indicating that he did not have a current address for Jung Soo Kim. The last known work place was with the University of Massachusetts working with Dr. Simon Kantor who is now retired. Copies of these e-mails are attached as Exhibit 2.

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10. On or around May 25, 2001, I telephoned Eileen Besse at the University of Massachusetts and received Dr. Kantor's telephone number. Thereafter, I contacted Dr. Simon Kantor at his residence. Dr. Kantor indicated that Jung Soo Kim had returned to Korea a year earlier and maybe working with Korean Institute for Science & Technology (KIST). I called KIST, and was informed that there was no one by the name of Jung Soo Kim with KIST.

- 11. On or around May 28, I looked up KIST on the www, and found a number for the International Department. I called and was advised that there was no Jung Soo Kim working at KIST. The person I spoke with suggested that I might have the wrong organization, and suggested it may be KAIST (Korean Advanced Institute for Science and Technology).
- 12. I looked up KAIST on the www and obtained a telephone number. I called and was advised that Jung Soo Kim did indeed work there and was transferred to his department. Someone named Irene answered the phone and I had to leave a message because Jung Soo Kim was out of his office. I called a few hours later because I did not receive a return phone call, and I was told that he had not returned to the office when expected and was given his e-mail address.
- 13. On June 6, 2001, I sent an e-mail to Jung Soo Kim explaining the situation and attached the Declaration and Power of Attorney and the Assignment. A copy of the e-mail is attached as Exhibit 3A.
- 14. On June 7, 2001, I received a response to the June 6, 2001 e-mail, but it was from a Myung Soo Kim, and she advised me that she was the wrong person. A copy of the e-mail is attached as Exhibit 3B.

The undersigned declares further that all statements made herein of her own knowledge are true and that all statements made on information and belief are believed to be true and further that these statement made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of



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the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent issuing thereon.

Respectfully submitted,

Jeanette McDougall

TOWNSEND and TOWNSEND and CREW LLP

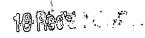
Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834

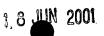
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### **PCT**

#### REQUEST

For receiving Office use only	-
International Application No.	
International Filing Date	
Name of sections Office and PPCT Interspice A Amilianias'	

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.	Name of receiving Office and "PCT International Application"			
	Applicant's or agent's file reference (If desired) (12 characters maximum) 16303-70PC			
Box No. I TITLE OF INVENTION				
POLYANIONIC POLYMERS WHICH ENHANCE F	USOGENICITY			
Box No. ft APPLICANT '				
Name and address: (Family name followed by given name: for a designation. The address must include postal code and name of cou address indicated in this Box is the applicant's State (that is, country of residence is indicated below.)	<u> </u>			
INEX PHARMACEUTICALS CORPORATION	Telephone No. 604 419 3200			
100-8900 Glenlyon Parkway	Facsimile No.			
Glenlyon Business Park	604 479 3201			
Burnaby, British Columbia, CANADA Ve	Teleprinter No.			
State (that is, country) of nationality: CA	State (that is, country) of residence: CA			
This person is applicant all designated IX all designated for the purposes of:	ed States except  States of America of America only the States indicated in the Supplemental Box			
Box No. III FURTHER APPLICANT(S) AND/OR (FURT	HER) INVENTOR(S)			
Name and address: (Family name followed by given name: for a designation. The address must include postal code and name of coverage and the second state of the second state (that is, country of residence is indicated below.)  CHEN, Tao  No. 9 - 7711 Minoru Blvd.  Richmond, British Columbia  CANADA V6Y 1Z3	This person is:  The country of the py) of residence if no State  This person is:  applicant only  X applicant and inventor  inventor only (If this check-bax is marked, do not fill in below)			
State (that is, country) of nationality;  CA	State (that is, country) of residence:			
	ted States except The United States The States indicated in			
for the purposes of: A States the United	States of America of America only the Supplemental Box			
X Further applicants and/or (further) inventors are indicated	on a continuation sheet.			
	e; OR ADDRESS FOR CORRESPONDENCE			
The person identified below is hereby/has been appointed to act of the applicant(s) before the competent International Authorities	s as:			
Name and address: (Family name followed by given name: for designation. The address must include postal SNYDER, Joseph R.; GARRETT-WACKOWSK SMITH, Timothy L.; SMITH, William M TOWNSEND AND TOWNSEND AND CREW LLP Two Embarcadero Center, 8th Floor	(415) 576-0300			
San Francisco, California 94111-3831 United States of America	Teleprinter No.			
AGUITATE FOR CONTESPONDENCE: Mark this check-box where	no agent or common representative is/has been appointed and the			

space above is used instead to indicate a special address to which correspondence should be sent.

Form PCT/RO/101 (first sheet) (July 1998; reprint January 1999)

See Notes to the request form

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Sheet	NA	~

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)					
If none of the following sub-boxes is used, this sheet should not be incl	uded in the request.				
Name and address: (Family name followed by given name: for a legal entity. full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)  HE, Yuehua  205 – 8669 Heather St.  Vancouver, British Columbia  CANADA V6P 3S6	This person is:  applicant only  XX applicant and inventor  inventor only (If this check-bas is marked, do not fill in below.)				
State (that is, country) of nationality:  CA  State (that is, country) of	residence: CA				
This person is applicant	United States the States indicated in America only the Supplemental Box				
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)  CULLIS, Peter  3732 West First Avenue  Vancouver, British Columbia  CANADA V5R 1H4	This person is:  applicant only  applicant and inventor  inventor only (if this check-bar is marked, do not fill in below.)				
State (that is, country) of nationality: CA State (that is, country) of	f residence: CA				
	United States America only  the States indicated in the Supplemental Box				
Name and address: (Family name followed by given name: for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is country) of residence if no State of residence is indicated below.)  MADDEN, Thomas 2714 W. 31st Avenue  Vancouver, British Columbia  CANADA V6L 1A1	This person is:  applicant only  applicant and inventor  inventor only (If this check-bax is marked, do not fill in below.)				
State (that is, country) of nationality:  CA  State (that is, country) of	of residence: CA				
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Name and address: (Family name followed by given name: for a logal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)  SCHERRER, Peter 301 - 2664 Birch St. Vancouver, British Columbia CANADA V6H 2T5	This person is:  applicant only  X applicant and inventor  inventor only (If this check-bax is marked, do not fill in below.)				
State (that is, country) of nationality: CH State (that is, country) of	of residence: CA				
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Name and address: (Pamily name followed by given name: for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)  KIM, Jung Soo 362 Northhampton Road, Apt.C  Amherst, Massachusetts 01002  United States of America	This person is:  applicant only  applicant and inventor  inventor only (If this check-box is marked, do not fill in below.)				
State (that is, country) of nationality: KR State (that is, count	ry) of residence: US				
This person is applicant all designated all designated States except for the purposes of:	the United States the States indicated in the Supplemental Box				
Name and address: (Fumily name followed by given name: for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)  TIRRELL, David 101 N.Plain Road Sunderland, Massachusetts 01375 United States of America	This person is:  applicant only  applicant and inventor  inventor only (If this check-box is marked, do not fill in below.)				
State (that is, country) of nationality:  US  State (that is, country)	of residence: US				
This person is applicant of the purposes of:  X all designated States except the United States of America	the United States only the States indicated in the Supplemental Box				
Name and address: (Family name followed by given name: for a logal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is. country) of residence if no State  JOSHI, Phalgun  66 East 19th Avenue  Vancouver, British Columbia  CANADA V5V 1H7  This person is:  applicant only  applicant and inventor  inventor only (If this check-bax is marked, do not fill in below.)					
State (that is, country) of nationality: CA State (that is, country)	ny) of residence: CA				
This person is applicant all designated all designated States except the purposes of:	the United States the States indicated in the Supplemental Box				
Name and address: (Family name followed by given name: for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence (s indicated below.)	This person is:  applicant only  applicant and inventor  inventor only (If this check-bax is marked, do not fill in below.)				
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This person is applicant all designated all designated States except the United States of America	the United States the States indicated in the Supplemental Box				
Further applicants and/or (further) inventors are indicated on another continuation sheet.					

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-borst; of least one must be marked):  Regional Patent  AP ARIPO Patent: GH Ghung, GM Gambis, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SZ Swaziland, UG Uganda ZP Wintebabev, and any other State with the Social Contracting State of the Farme Protocol and of the PCT (Market Market) and any other State which is a Contracting State of the Farme Protocol and of the PCT (Market Market) and any other State which is a Contracting State of the Farme Protocol and of the PCT (Market Market) and any other State which is a Contracting State of the Eurapian Patents: AT Austria, Be Belgium, CH and all Lswitzerstain, CY Cyprus, DB Germany, DRC bornards, BS Spain, PI Finland, PR France, GB United Kingdom, GR Greece, EB Ireland, Tr lays, Lul Lizemstown, and any other State which is a Contracting State of the Eurapian Patent Convention and of the PCT (Market Market) and the European Patent Convention and Patents, PC Compa, SS Sweden, and any other State which is a Contracting State of the European Patent Convention and Patents, PC Compa, MR Contracting State of the European Patent Convention and Patents of the European Patent Convention and Patents of the Patents	_	No.	TOTAL STATES			
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Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any at the expiration of that time limit. (Confirmation of 15 months from the priority date is to be regarded as withdrawn by the applicant the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

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#### Supplemental Box .

If the Supplemental Box is not used, this sheet should not be included in the request.

1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." [Indicate the number of the Box] and furnish the information in the same manner as required according to the captions of the Box in which the space was insufficient, in particular:

- (i) if more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated
- (ii) (f. in Box No. II or in any of the sub-boxes of Box No. III. the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Boxes No. II and No. III" (as the case may be). Indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
- (III) if, in Bax No. II or in any of the sub-boxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. II" or inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAFI patent) for the purposes of which the named person is inventor:
- (iv) if, in addition to the agent(s) indicated in Box No. IV. there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV.
- (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition," or "certificate of addition," or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation of Hox No. V" and the name of each State involved (or OAPI), and after the name of of the parent number of the parent little or parent application and the date of grant of the parent little or filing
- (vi) if in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Bax No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI:
- (vii) if, in Box No. VI. the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.
- 2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement; in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.
- 3. If the applicant cloims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Tag Chen

Tag Chen

Peter Cullis

Thomas Madden

Peter Scherrer

David Tirrell

Tag Chen

Jung Soo Kim

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1. If, in any of the Boxes, the space is insufficient to furnish all the information: in such case, write "Continuation of Box No. ..." [Indicate the number of the Box] and furnish the information in the same manner as required occording to the captions of the Box in which the space was insufficient, in particular:

- (i) If more than two persons are involved as applicants and/or inventors and no "continuation sheet" is available: in such case, write "Continuation of Box No. III" and indicate for each additional person the same type of information as required in Box No. III. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below:
- (ii) if, in Box No. If or in any of the sub-boxes of Box No. III, the indication "the States indicated in the Supplemental Box" is checked: in such case, write "Continuation of Box No. II" or "Continuation of Box No. III" or "Continuation of Box No. II and No. III" (as the case may be), indicate the name of the applicant(s) involved and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is applicant;
- (iii) if, in Bax No. II or in any of the sub-baxes of Box No. III, the inventor or the inventor/applicant is not inventor for the purposes of all designated States of for the purposes of the United States of America: in such case, write "Continuation of Box No. II" or "Continuation of Box No. II" or inventor(s) and, next to (each) such name, the State(s) (and/or, where applicable, ARIPO, Eurasian, European or OAPI patent) for the purposes of which the named person is inventor:
- (iv) if, in addition to the agent(s) indicated in Box No. IV, there are further agents: in such case, write "Continuation of Box No. IV" and indicate for each further agent the same type of information as required in Box No. IV:
- (v) if, in Box No. V, the name of any State (or OAPI) is accompanied by the indication "patent of addition." or "certificate of addition." or if, in Box No. V, the name of the United States of America is accompanied by an indication "continuation" or "continuation—in-part": In such case, write "Continuation of Box No. V" and the name of each State involved (or OAPI), and after the name of of the parent such State (or OAPI), the number of the parent title or parent application and the date of grant of the parent title or filing
- (vi) if, in Box No. VI, there are more than three earlier applications whose priority is claimed: in such case, write "Continuation of Box No. VI" and indicate for each additional earlier application the same type of information as required in Box No. VI:
- (vil) if, in Box No. VI, the earlier application is an ARIPO application: in such case, write "Continuation of Box No. VI", specify the number of the item corresponding to that earlier application and indicate at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed.
- 2. If, with regard to the precautionary designation statement contained in Box No. V, the applicant wishes to exclude any State(s) from the scope of that statement: in such case, write "Designation(s) excluded from precautionary designation statement" and indicate the name or two-letter code of each State so excluded.
- 3. If the applicant claims, in respect of any designated Office, the benefits of provisions of the national law concerning non-prejudicial disclosures or exceptions to lack of novelty: in such case, write "Statement concerning non-prejudicial disclosures or exceptions to lack of novelty" and furnish that statement below.

Continuation of Box No. IX: SIGNATURE OF APPLICANT OR AGENT:

Tao Chen	Yuehua He
Peter Cullis	Thomas Madden
Peter Scherrer	Jung Soo Kim
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PCT For receiving Office use only FEE CALCULATION SHEET Annex to the Request International application No. Applicant's or agent's file reference 16303-70PC Date stamp of the receiving Office Applicant INEX PHARMACEUTICALS CORPORATION, et al CALCULATION OF PRESCRIBED FEES I. TRANSMITTAL FEE . . . . . . . . . 240. T 2. SEARCH FEE International search to be carried out by S (If two or more International Searching Authorities are competent in relation to the international application, indicate the name of the Authority which is chosen to carry out the international search.) 3. INTERNATIONAL FEE The international application contains 69 first 30 sheets 10. remaining sheets additional amount Add amounts entered at b1 and b2 and enter total at B  $\,$  . 845. В Designation Fees The international application contains <u>max</u> designations. 10+ 105. number of designation fees ,050 D amount of designation fee payable (maximum 10) Add amounts entered at B and D and enter total at 1  $\,$  . (Applicants from certain States are entitled to a reduction of 75% of the international fee. Where the applicant is (or all applicants are) so entitled, the total to be entered at f is 25% of the sum of the amounts entered at B and D.) 1,895. ï 4. FEE FOR PRIORITY DOCUMENT (If applicable) P 5. TOTAL FEES PAYABLE . . . . . Add amounts entered at T, S, I and P, and enter total in the TOTAL box 3,500. TOTAL The designation fees are not paid at this time. MODE OF PAYMENT authorization to charge deposit account (see below) bank draft coupons cheque cash other (specify): postal money order revenue stamps DEPOSIT ACCOUNT AUTHORIZATION (this mode of payment may not be available at all receiving Offices) The RO/ US is hereby authorized to charge the total fees indicated above to my deposit account. (this check-box may be marked only if the conditions for deposit accounts of the receiving Office so permit) is hereby authorized to charge any deficiency or credit any overpayment in the total less indicated above to my is hereby authorized to charge the fee for preparation and transmittal of the Bureau of WIPO to my deposit account. 20-1430 APRIL 1999 Deposit Account No. Date (day/month/year) Form PCT/RO/101 (Annex) (January 1999) Eugen Simature Jarrett Voies to the ee calculation sheet



Exhibit 1B

----Original Message----

From: Pieter Cullis [mailto:pcullis@inexpharm.com]

Sent: Wednesday, May 23, 2001 2:17 PM

To: Jeanette McDougall

Subject: RE: David Tirrell, Jung Soo Kim

Jeanette-David Tirrell is now at UCLA, Jung Soo Kim went back to Korea, I don't know where.

Pieter

----Original Message----

From: Jeanette McDougall [mailto:jmcdougall@inexpharm.com]

Sent: Tuesday, May 22, 2001 3:18 PM

To: Pieter Cullis

Subject: David Tirrell, Jung Soo Kim

Hi Pieter:

I should have asked you about these 2 people in my previous email. I spoke with Zhao Wang this afternoon, and she said that David Tirrell has moved to a new university (all I have is a Massachusetts address for him), and she thought you might know their whereabouts.

Thanks very much. Jeanette

Exhibit 1A



.A.8 JUN 2001 Original Message-----

From: David A. Tirrell [mailto:tirrell@caltech.e

Sent: Thursday, May 24, 2001 1:03 PM

To: Jeanette McDougall

Subject: Re: US Patent Application: Polyanionic Polymers Which

EnhanceFusogenicity

#### Dear Jeanette:

My contact information is given below. Unfortunately, I do not have a current address for Jungsoo Kim. After he finished with me, he stayed on in Amherst with Simon Kantor, but I believe Dr. Kantor has since retired.

**David Tirrell** 

#### >Dear Dr. Tirrell:

>I am contacting you regarding the above-referenced patent application which >was filed on October 26, 2000, using the missing parts procedure (I had

>started with Inex at that time and don't know why the missing parts >procedure was used, however if you would like to know I can contact Tom >Digby, who was our lawyer at that time). We require the signature of all >the inventors on two forms: a) Declaration and Power of Attorney; and 2) >Assignment (two witnesses are needed here), and there is some urgency to >this, so I am wondering if there is an address that I can courier these >forms to you.

> >I am also wondering if you happen to know how I can contact JungSoo Kim as >he is listed as an inventor, so his signatures are required as well (Pieter >Cullis thinks he may have returned to Korea).

>Thank you very much, and if you have any questions or concerns, please do >not hesitate to contact me.

>Best regards, >

>Jeanette McDougall >Inex Pharmaceuticals Corporation



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From: kim myung soo [mailto:msk3380@kist.re.kr]

Sent: Wednesday, June 06, 2001 5:59 PM

To: Jeanette McDougall

Subject: Re: Patent Documentation re: Polyanionic Polymers Which Enhance

**Fusogenitcity** 

Exhibit 3B

Dear Mrs. Jeanette McDougall

Thank you very much for your e-mail dated on the June 7, 2001 about Patent Documentation.

However you got the wrong person. My name is Myungsoo Kim which is similar name with Dr. Jung Soo Kim. There is no person named Jung Soo Kim in Korea Institute of Science and Technology(KIST) located in Seoul, Korea. Please check again the application form of Patent.

With best regards.

Myungsoo Kim DCC/KIST Seoul, Korea

June 7, 2001

---- Original Message -----

From: Jeanette McDougall <jmcdougall@inexpharm.com>

To: <msk3380@kist.re.kr>

Sent: Thursday, June 07, 2001 8:35 AM

Subject: Patent Documentation re: Polyanionic Polymers Which Enhance

Fusogenitcity

> Dear Dr. JungSoo Kim: > The above-referenced patent application, for which you are listed as one > the inventors, was filed last October using the Missing Parts Procedure. > Each inventor is required to sign a Declaration and Power of Attorney and > Assignment (please note that the Assignment requires two witnessess to > and date), and I currently have all of the inventor's signatures except > yours (I had some difficulty finding your whereabouts, however, David > Tirrell was very helpful with this). > I apologize for the late notice on this, however, we must have this filed > prior to June 18th, which is a non-extendible deadline. I have taken the > liberty of attaching these documents; would you kindly print them, sign > date, and when completed please advise me via email or telephone and I > arrange a courier for pick up (we need original signatures so have to use > courier). > > Thank you very much, and if you have any questions or concerns, please do > not hesitate to contact me. > > Best regards, > Jeanette McDougail > Inex Pharmaceuticals Corporation > #100 - 8900 Glenlyon Parkway > Glenlyon Business Park > Burnaby, B.C. > V5J 5J8 > Tel: (604) 419-3213 > Fax: (604) 419-3201 > email: jmcdougall@inexpharm.com >

Exhibit 3A